

## Leadership...Service...Accountability

January 31, 2013
USOE Educational Equity Section
SEA Civil Rights Monitoring Office

## Executive Summary Section 504

Why Have More Disability Complaints Been Filed in the Last Three Years?

Dear Colleague:

The following summary of information is being shared with you as a result of:

Why have the number of disability-related complaints received by the Office for Civil Rights increased in the last three fiscal years, since the passage of the American Disabilities Act Amendment Amendments (ADAAA) as follows:

- Filing a complaint is easy and does not take resources or an attorney.
- The expanded ADAAA definitions of eligibility
  - o 2/5<sup>ths</sup> of complaints claimed FAPE violations
  - o Providing health plans only and evaluating for Section 504 eligibility
  - Focus on eliminating bullying/harassment of protected class such as students with disabilities,
     Section 504/Title II
  - Schools are still in the adjustment period since the ADAAA was amended
     Examples: Not considering mitigating measures when determining eligibility, expanded list of major
     life activities that may qualify for a Section 504 plan, and clarified use of service dogs in schools

## Best practice to avoid complaints

 Districts/Schools follow the guidance from the Office for Civil Rights in regards to evaluating with a team who has knowledge about the child, ensures the child receives services based on Individual needs

## Note:

This document is a USOE-specific summary of information from guidance material adapted from the January, 2013 Section 504 Compliance Advisor, Volume 16, Issue 9

This document, while containing information cited from OCR, <u>is not a formal statement of OCR policy, and should not be relied upon</u>, <u>or construed as such.</u>